

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

M.H. and J.H., on behalf of their
minor child C.H.,

Plaintiffs,

v.

OMEGLE.COM, LLC,

Defendant.

Civil Action No. 2:20-cv-11294-KM-JBC

Motion Return Date: December 21, 2020

**DECLARATION OF LEIF K-BROOKS IN SUPPORT OF DEFENDANT
OMEGLE.COM, LLC'S MOTION TO DISMISS PLAINTIFFS'
COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(2) AND 12(b)(6)**

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Attorneys for Defendant OMEGLE.COM, LLC

I, LEIF K-BROOKS, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am over 18 years of age and make this Declaration based upon my personal knowledge of the facts set forth below. If called upon to testify I could and would testify competently as to the matters set forth herein.

2. I am the founder and sole manager of Omegle.com, LLC (“Omegle”), the Defendant herein.

3. In 2009, the Omegle online real-time chat service, through which users can meet and chat with new people by text or video via its website located at <omegle.com>, launched. Attached hereto as **Exhibit 1** is a true and correct screenshot of the current homepage for Omegle’s website.

4. Omegle is a limited liability company formed under the laws of the State of Oregon. Attached hereto as **Exhibit 2** is a true and correct copy of the most recent Amended Annual Report for Omegle filed with the Oregon Secretary of State on January 27, 2020.

5. At the time of the allegations in the Complaint, Omegle’s principal place of business was located in the State of Washington. Currently, Omegle’s principal place of business is located in the State of Florida.

6. Omegle does not have any offices or physical locations in the State of New Jersey. Omegle does not own any property or otherwise have any physical

presence in New Jersey. Omegle does not own or operate any servers in New Jersey.

7. Omegle does not have any bank accounts in New Jersey.
8. Omegle does not have any employees in New Jersey.
9. Omegle is not registered to do business in New Jersey and therefore does not have a registered agent for service of process in New Jersey.
10. Omegle does not target its website or its real-time chat service specifically to residents of New Jersey. Omegle has the same offerings in New Jersey that it has in all other states.
11. Omegle does not target any advertising, marketing or promotional materials at New Jersey or its residents.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 19th day of November, 2020.



LEIF K-BROOKS

EXHIBIT 1

You don't need an app to use Omegle on your phone or tablet! The web site works



Omegle (*oh·meg·ull*) is a great way to meet new friends, even while practicing social distancing. When you use Omegle, we pick someone else at random and let you talk one-on-one. To help you stay safe, chats are anonymous unless you tell someone who you are (not suggested!), and you can stop a chat at any time. Predators have been known to use Omegle, so please be careful.

If you prefer, you can add your interests, and Omegle will look for someone who's into some of the same things as you instead of someone completely random.

By using Omegle, you accept the terms at the bottom. You must be 18+ or 13+ with parental permission.

Video is monitored. Keep it clean  *

18+: ([Adult](#)) ([Unmoderated Section](#))

What do you wanna talk about?

Add your interests (optional)



College student chat

Start chatting:

Text

or

Video

Spy (question)
mode

Unmoderated
section

By using the Omegle Web site, and/or related products and/or services ("**Omegle**", provided by Omegle.com LLC), **you agree to the following terms:** Do not use Omegle if you are under 13. If you are under 18, use it only with a parent/guardian's permission. Do not transmit nudity, sexually harass anyone, publicize other peoples' private information, make statements that defame or libel anyone, violate intellectual property rights, use automated programs to start chats, or behave in any other inappropriate or illegal way on Omegle. Understand that human behavior is fundamentally uncontrollable, that the people you encounter on Omegle may not behave appropriately, and that they are solely responsible for their own behavior. Use Omegle at your own peril. Disconnect if anyone makes you feel uncomfortable. You may be denied access to Omegle for inappropriate behavior, or for any other reason. OMEGLE IS PROVIDED AS IS, AND TO THE MAXIMUM EXTENT ALLOWED BY APPLICABLE LAW, IT IS PROVIDED WITHOUT ANY WARRANTY, EXPRESS OR IMPLIED, NOT EVEN A WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. TO THE MAXIMUM EXTENT ALLOWED BY APPLICABLE LAW, THE PROVIDER OF OMEGLE, AND ANY OTHER PERSON OR ENTITY ASSOCIATED WITH OMEGLE'S OPERATION, SHALL NOT BE HELD LIABLE FOR ANY DIRECT OR INDIRECT DAMAGES ARISING FROM THE USE OF OMEGLE, OR ANY OTHER DAMAGES RELATED TO OMEGLE OF ANY KIND WHATSOEVER. By using Omegle, you accept the practices outlined in Omegle's [PRIVACY POLICY and INFORMATION ABOUT THE USE OF COOKIES](#) (updated 2014-06-03 – contains important information about video chat monitoring).

Parental control protections (such as computer hardware, software, or filtering services) are commercially available that may assist you in limiting access to material that is harmful to minors. If you are interested in learning more about these protections, information is available at <http://kids.getnetwise.org/tools/> as well as a number of other Internet sites that provide information on this form of protection.

* Omegle video chat is moderated. However, moderation is not perfect. You may still encounter people who misbehave. They are solely responsible for their own behavior.

EXHIBIT 2

AMENDED ANNUAL REPORT



Corporation Division
www.filinginoregon.com

E-FILED
Jan 27, 2020
OREGON SECRETARY OF STATE

REGISTRY NUMBER

90804494

REGISTRATION DATE

01/16/2013

BUSINESS NAME

OMEGLE.COM LLC

BUSINESS ACTIVITY

CHAT WEB SITE

MAILING ADDRESS

4557 11TH AVE NE #131
SEATTLE WA 98105 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

4557 11TH AVE NE #131
SEATTLE WA 98105 USA

JURISDICTION

OREGON

REGISTERED AGENT

51329093 - NORTHWEST REGISTERED AGENT LLC

5305 RIVER RD N STE B
KEIZER OR 97303 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

LEIF K-BROOKS

4557 11TH AVE NE APT 131
SEATTLE WA 98105 USA



Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

LEIF K-BROOKS

TITLE

MEMBER

DATE SIGNED

01-27-2020